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From: Anna Sewell <asewell@earthjustice.org>
Sent: Monday, July 24, 2017 4:05 PM
To: FOIA HQ
Subject: FOIA Request: Pharmaceutical Waste Disposal
Attachments: EPA FOIA re Pharm Waste 7-24-17.pdf

Dear EPA Freedom of Information Officer:

Please find my FOIA request attached. Should you have any questions about my request, please do not hesitate to contact me at (202) 797-5233 or asewell@earthjustice.org.

Sincerely,
Anna Sewell

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July 24, 2017

BY ELECTRONIC MAIL

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460
(202) 566-1667
hq.foia@epa.gov

Re: FOIA Request Regarding Pharmaceutical Waste Disposal

Dear EPA FOIA Officer:

This letter requests information pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 and the pertinent U.S. Environmental Protection Agency ("EPA") regulations, 40 C.F.R. § 2.100, *et seq.*

I. RECORDS REQUESTED

This FOIA request encompasses the period from January 1, 2008 to the time a response is provided, and seeks the following:

1. Any records addressing the quantitative extent of pharmaceutical waste "sewerage" (disposal to a sewer system by flushing or draining) by healthcare facilities, reverse distributors, pharmaceutical manufacturers, or any other generator of pharmaceutical waste. This request includes, but is not limited to, any such records used to develop the proposed "Management Standards for Hazardous Waste Pharmaceuticals," 80 Fed. Reg. 58,014 (Sept. 25, 2015).
2. Any records addressing the economic or environmental impacts of pharmaceutical waste sewerage by healthcare facilities, reverse distributors, pharmaceutical manufacturers, or any other generator of pharmaceutical waste. This request includes, but is not limited to, any such records used to develop the proposed "Management Standards for Hazardous Waste Pharmaceuticals," 80 Fed. Reg. 58,014 (Sept. 25, 2015).
3. Any records used to develop the EPA's Office of Inspector General report titled "EPA Inaction in Identifying Hazardous Waste Pharmaceuticals May Result in Unsafe Disposal," dated May 25, 2012 (Report No. 12-P-0508), as well as any correspondence referencing this report after its publication on May 25, 2012.
4. Any records used to develop EPA's "Request for Comment on EPA's Efforts to Identify Additional Pharmaceutical Hazardous Wastes" in its proposed rulemaking at 80 Fed.

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Reg. 58,070 (Sept. 25, 2015), as well as any correspondence related to this request for comment after its publication on September 25, 2015.

We define "records" to include all data, analyses, studies, articles, correspondence (including emails, telephone messages, text messages, and internet "chat" or social media messages), memoranda, reports, notes, notices, meeting notes, calendars, telephone logs, telefaxes, photographs, videos, maps, diagrams and other records, whether paper or electronic.

This request applies to any records within, or exchanged between, the following EPA offices: Office of Land and Emergency Management, Office of Inspector General, and Office of Research and Development. The request excludes any records that are publicly available at docket EPA-HQ-RCRA-2007-0932.

In the event that any requested document is claimed exempt from disclosure, please identify each allegedly exempt record in writing, provide a brief description of that record, and explain the agency's justification for withholding it. If a document contains both exempt and non-exempt information, please provide those portions of the document that are not exempted from disclosure. Finally, if a document does not exist, please indicate that in your written response.

We remind you that FOIA requires a response within twenty working days, pursuant to 5 U.S.C. § 552(a)(6)(A)(i) and 40 C.F.R. § 2.104(a). We ask that you disclose the requested information as it becomes available to you without waiting until all of the records have been assembled for the time period requested. To the extent responsive records are available in an electronic format, we would prefer to receive electronic versions of the records.

II. REQUEST FOR A FEE WAIVER

We respectfully request that you waive all fees in connection with this request, as provided by 5 U.S.C. § 552(a)(4)(A)(iii) and 40 C.F.R. § 2.107(l).

- A. Disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government.

The subject of this request concerns the operations and activities of the federal government, specifically EPA's research and development of rules, reports, and other actions with respect to pharmaceutical waste sewerage and the water pollution that stems from this practice. The requested information will increase the public's understanding of the risks to our nation's water from pharmaceutical pollution, as well as the extent and nature of EPA's efforts to reduce those risks through rulemakings and other measures.

Earthjustice is a national nonprofit environmental law organization dedicated to protecting the magnificent places, natural resources, and wildlife of this earth, and to defending the right of all people to a healthy environment. Earthjustice has made safeguarding the nation's waters one of its top priorities, and our members have a strong interest in the water pollution

issues involved in this request. In light of its substantial legal and environmental expertise, Earthjustice is well-prepared to analyze and evaluate the records we receive pursuant to this request. In addition, Earthjustice has the ability to disseminate the information we obtain through FOIA requests to large segments of the public by means of membership correspondence, publications, websites that are visited by millions of people each year, numerous educational programs and media initiatives, and other communications. Finally, because this FOIA request expressly excludes information that is publicly available, the requested information is not already in the public domain. Rather, the disclosure will contribute significantly to the understanding of a broad public audience of persons interested in the subject.

B. Disclosure of the requested information is not primarily in the commercial interest of the requester.

Earthjustice is a nonprofit, public interest organization with no commercial interest in obtaining the requested information. Earthjustice does not charge for its legal services, nor does it have any financial stake in the litigation it undertakes. Earthjustice has spent years successfully promoting the public interest through the development of policies that provide enhanced environmental protection, including for our waterways. The public will be the primary beneficiary of this requested information because we have no commercial interest in the requested disclosure.

For all of the foregoing reasons, a fee waiver is warranted under 5 U.S.C. § 552(a)(4)(A)(iii) and 40 C.F.R. § 2.107(l). If EPA does not believe that the above information is sufficient to justify a fee waiver, please contact us for further documentation before deciding upon the waiver request.

Thank you for your assistance in this matter. We look forward to receipt of the requested documents. Please do not hesitate to contact me to clarify the request, or to otherwise expedite and simplify your efforts to comply. I can be reached at (202) 797-5233 and asewell@earthjustice.org.

Sincerely,

Anna M. Sewell

Earthjustice